# LAWS THAT HAVE TIRED OF LIFE BEEN CHANGED AWFUL SUFFERING BEEN CHANGED

Interesting Review of the Work of the Legislature Before Bar Association.

PRESIDENT BRYAN'S PAPER

In the Hurry of Short Session Lawmakers Are Sometimes Very Careless.

At the regular meeting of the Rich room of the City Hall yesterday filternoon, Mr. George Bryan, the president read a most interesting paper upon the subject of the recent changes in and additions to the statute law of Virginia. The paper was a general review of the work of the late Legislature. The following synopsis of the leading points of the paper wil prove very interesting, especial ly to lawyers:

Clauses 7 and 89 of chapter 5 of an set entitled 'An Act Concerning Corporations," which became a law May 21st

tions," which became a law May 21st, 1993, are amended as follows:
Clause 7 of section 1105 of the Code now reads that notice of stockholders' meetings may be given to each stockholder in person, or by publication at least six times a week for two successive weeks. or once a week for four successive weeks, where no daily paper is published in the county, city or town, in a newspaper pub-lished in or near the place where the annual meeting was held.

The only amendment in clause 29, which relates to the annual report of the cor-poration to the State Corporation Com-mission is that it may be authenticated by the signatures of the president or one of the vice-presidents or secretary of the corporation. The original act contained the word "and" instead of "or" before

Section 1414 of the Code in regard to the Section 1414 of the Cose in regard to the location of cemeteries and the limitation of the quantity of land which may be uccupied by them is amended. Under the amendment, cemeteries may now by established within 100 instead of 400 yards ot a residence without the consent of the owner of such residence, and 300 inwhen damage is done to adjacent land by the establishment of such ceme-

land by the establishment of such ceme-tery, whether established by purchase or condemnation, the owners shall have a right of action for the damage if in-stituted within one year.

The Councils of every city or town in this Commonwealth having in their sev-eral charters the power to appoint cer-tain municipal officers, are given in ad-dition to such power, the power to ap-point such other officers and employes as such Councils may deem proper. And such Councils may deem proper, And

Where taxes or levies are paid by any fiduciary on any estate in his hands or for which he may be liable, such taxes and levies shall be refunded out of the

Section 631 of the Code, of which the

From Dreadful Pains From Wound on Foot-System All Run Down After Six Months' Agony-Not Able to Work-Completely Cured in Two Weeks

MIRACULOUS CURE BY CUTICURA REMEDIES

"Words cannot speak highly enough for the Cuticura Remedies. I am now seventy-two years of age. My system had been all run down. My blood was so bad that blood poisoning had set in. I had several doctors attending me, so finally I went to the hospital, where I was laid up for two menths. My foot and ankle were

finally I went to the hospital, where I was laid up for two months. My foot and ankle were almost beyond recognition. Dark thought surely my last chance was slowly leaving me. As the foot did not improve, you can readily imagine how I felt. I was simply disgusted and tired of life. I stood this pain, which was dreadful, for six months, and during this time I was not able to wear a shoe and not able to work.

"Some one spoke to me about Cuticura. The consequences were I bought a set of the Cuticura Remedies of one of my friends who was a druggist, and the praise that I gave after the second application is beyond description; it seemed a miracle, for the Cuticura Remedies took effect immediately. I washed the foot with the Cuticura Soap before applying the Ointment and I took the Resolvent at the same time. After two weeks' treatment my foot was headed completely.

going such Councils may deem proper. And any committee of such Council or any municipal board or the Mayor of the city or town, or the head of the department of such cly or town government, may also appoint such officers and employes as the Council may determine. Provision is made for the filling of vacancles for the unexpired term by the proper appointing power, and in case of vacancy in a municipal office elected by the people, the city or Town Council may elect a qualified person to fill such vacancy until qualified person can be elected by the people, etc., etc.

This act was passed to supply the casus omissus in our statutes brought to public attention by the death of the late treasurer of the city of Richmond.

Continuances of right are allowed to any party to an action or proceeding in any court, where a member or officer of the General Assembly fins been employed or retained by him as attorney in such action or proceeding prior to the beginning of the session of the General Assembly. Where taxes or levies are paid by any fiduciary on any estate in his hands or for which he may be liable, such taxes and levies shall be refunded out of the

liver the goods, and the amount of of such adopted son or daughter. It is freight to be received by each carrier further provided that no property which by which the goods are to be trans- by any will, deed or other writing would

liver the goods, and the amount of freight to be received by each carrier by which the goods are to be transported.

An act to amend section 2536 of the Gode of Virginia, relating to the probate of copies of wills proved without the State has for its only changes one to provide that the presumption of due execution of the will shall be made by the clerk of the court, as well as the court. Another clause of the amonding act validates the admission to probate of any such copy of a will before any such clerk since May 16, 1963.

Another act validates all acknowledgments of deeds and other writings taken by mayors and members of council of towns facerporated since July 10, 1962, the 'preamble to the act regiting that certain charters have been granted incorporating towns in this State and clothing the mayors of said towns and members of the council with powers of justices of the peace, and further declares it desirable, in the interest of innocent purchasers, that such acknowledgments be validated.

An act on page 22 requires the separation of white and colored passengers on cars operated by electricity.

F. 98; Slightly amends section 3140 of the Code in relation to who are exempt from jury service by including broadly all officers, commissioned and non-commissioned of volunteer companies, and by providing that in the event of an officer of members having joined the volunteers since the list was delivered to the clerk on May 1st of each year, a certificate of incorporation is act whether the members

inembership signed by the enter onicershial alse exempt such members from jury service.

It is not quite clear from this last section of the act whether the members referred to therein are contributing as well as active members, but as the policy of the State has been to increase its revenues for military purposes, exempting contributing members from jury service, it is safe to presume that the courts will include contributing members within the scope of this provision.

P. 194: An act to protect landlords against the removal of crops by tenants untill rents and advances are paid, and to prescribe punishment therefor.

This act is doubtless in aid of the lien given by section 249 of the Code of Virginia by making the removal of the crops, where the lands have been rented either for a share of the crop or for money consideration, a misdemanor, punishable by fine or imprisonment.

F. 117: An act in relation to public holidays.

adopting an adult, shall go to such adopted adult, unless the absolute fee-simple first vested in the person so adopting the

ndult. Acts, page 201-In all suits orpetitions

aduit.

Acts, page 301—In all suits orpetitions when the evidence is concluded, the party tendering a demurrer to evidence shall state in writing specifically the grounds of demurrer relied on, and the demurres shall not be forced to join in the said demurrer until the specific grounds upon which the demurrant relies are stated in writing, nor shall any grounds of demurrer not thus specifically stated be considered. After joinder in demurrer no other evidence shall be admitted and a non-suit shall not be allowed.

This statute is discussed at length by Mr. S. S. P. Patteson in the April number, 1906, Vilginia Law Register. Mr. Patteson thinks that it will accomplish the objects of its cancerment. As originally drawn it required the demurrant to state in writing the facts which he admitted to have been proved in evidence, but the draft was changed in the Senate to the present form. We shall await, with increat the construction placed upon it by our court of last resort.

P. 231—Another change in the practice of our trial court was made by the statute providing that in any action at law in which the court was made by the statute providing that in any action at law in which the court was made by the statute providing that in any action at law in which the court was made by the court of Appeals when a writ of error awarded the plaintiff as in other actions at law, and in any such case in which a writ of error is awarded the defendant, the judgment of the court in requiring such remittur may be the subject of review upon a cross appeal by the plaintiff. requiring such remittur may be the sub-ject of review upon a cross appeal by the plaintiff.

ject of review upon a cross appeal by the plaintiff.

P. 212—The death of the drawer of a check no longer operates in this State as a revocation of the authority of the bank or banker upon which it is drawn to pay it. It is provided by this act that such bank or banker shall retain for a period of one month after notice of the death of the depositor any moneys standing upon its or his, books to the credit of such depositor, and after paying thereout any check which may be presented within said period, shall upon demander of the death of the persons entity of the law upon this subject as it has heratofore existed was severely technical, and as Mr. Daniel states in his work on Negotiable Instruments, involves a total misconception of the legal principles in point. Mr. Morse, in his work on Banks and Banking, denominates it a perversion of reason. The result in this change in the law will be to require banks and bankers to hold deposits of deceased individuals for one month after the date of the death, and in the meantime home checks which may be

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the proprietor shall not be obliged to re-

his servants or employes.

A further clause exempts the hotel keeper from liability for hats, umbrellas, coats, etc., of a guest till the same are placed by the guest in the actual custody of the proprietor. Limitation of one year is prescribed for actions arising under the act

Acts, P. 250. Section 2489 of the Code in regard to the lien of inn keepers, etc., is chiended and enlarged by extending the lien to other property in and about such inu, ordinary or boarding house or house of private entertainment belonging to the guests of such inn, ordinary, boarding house or house of private entertainment, or his employer, controlled by such guests for the proper charges due him from such guests or boarders for their board and

traveling salesmen and others, who ployers, when the inn-keepers lien was claimed, would claim the ownership of the property and thus defeat the re-covery. The act, however, omits one or two of the features of the original act

condemnation proceedings. This could have been made clear by the insertion of the words "any person" before the words "are entitled to," supra. The former act prescribed that the first step in the condemnation proceeding should be the filling of the clerk's office "a plat of the survey," with a profile showing the cuts and fills," etc., and at this ame time the filling of a petition of the same time the filling of a petition of the same time the filling of a petition of the same time the filling of the petition street and estate intended to be taken, or the damage likely to arise, the material facts upon which the application is based, and especially the fact that the property is wanted for the uses of the company, or where no property will be taken, but property will be damaged, the mecasity for the work of improvement which will cause or is likely to cause damage. This particularity was not made antended to the property of the point, is sufficiently definite. The amended at then prescribes the filling of the plat of survey and the profile, as before, but also a statement of the names and residences of the owners of the several parcels of land which will or likely to be damaged.

The jamendments in section 2 apply principally to notice. Publication may be once a week-for two, hastend of four successive week-for two, hastend of four successive week-for two, hastend of four successive where the profile, as before, but also a statement of the names and residences of the owners of the several parcels of land which will or likely to be damaged.

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The jamendments in section 2 apply principally to notice. Publication may be once a four two proceeding is." Which was defined t the proprietor shall not be obliged to receive from any one guest for deposit property of the kind mentioned exceeding \$500 in value.

The act further provides whenever the keeper of the hotel shall provide suitable locks and fastenings on the doors, transoms and windows of the sleeping room used by his guests, and shall keep a copy of this act posted in said room, together with a notice requiring compliance with said act; and, if said guests or bearders fall to fasten said windows or borders fall to fasten said windows and transoms, and loss occurs, then the hotel keeper shall not be liable, though the burden of proof is placed upon him to show that he has compiled with the act and that his guest has not. But nothing in the act shall be construed to exempt hotel keepers from being liable for the value of property of guests taken or stolen from any room by any employed agent of such keeper.

In case of loss by fire or overwhelming disaster, the hotel keeper shall be answerable for ordinary and reasonble care in the custody of the property of his guests, but in no case in excess of \$250, unless it shall clearly appear that such disaster was caused by negligence of "or otherwise" by said keeper or by his servants or employes.

A further clause or mentod exceeding \$100 in the lost words "any person" before the words "any person" the former act prescribed that the first step in the condemnation preceedings that the first step in the culs and fills," etc., and at the splication of the survey." "with a profile showing of the the filling of the fall former act prescribed that the first step in the culs and

whether there are any rule days in the court.

Clause 9 is amended so as to require the report of the commissioners to lie in the clerk's office for thirty days, instead of sixty, and recordation of the same is dispensed with, confirmation alone being necessary.

Perhaps the most important amendment in the entire act is contained in the last sentence of this clause, which is as follows: "Nothing in this act contained shall be construed as authorizing the condemation of a less estate in the property taken than is owned by the party against whom the proceeding is." Up to a comparatively recent profoid, the only interest of the party against whom the application was alled, whether that was a fee-simple or a life estate or term for years or pur autre vie. By the act of 1902-34, p. 567, the right given to condemn land or other property, was specifically enlarged by the addition of the words "or any interest or estate therein," and this enlargement appeared throughout the statute. Under this it was thought by many lawyers that an estate less than a fee-simple or other entire estate of the owner of the property could be condemned for instance that if a railrond company so desired, it could condemn an easement or right of way, and if it further desired, for a limited period only. That this view of the law was the correct one is at least strongly suggested by the last sentence of clause 9, above quoted. and the property and the second against travering adams and others, whose, who are the contractions of the property and thus section is the property and thus section is the property and the section of the dutter and it is contained in the section of the property and the property and the property and the property and the property of the contract and another in the first and the property and the

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